

TOWNSHIP OF WALL

ORDINANCE NO. 22-2022

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, ESTABLISHING CHAPTER 224, A VACANT PROPERTY AND/OR FORECLOSURE REGISTRATION ORDINANCE PURSUANT TO P.L. 2021 C.444

WHEREAS, In January 2022, Governor Murphy signed Assembly Bill A2877 into law as P.L. 2021 c.444 which required all municipalities to revise and/or establish a Vacant/Abandoned Property Ordinances and Fee Schedules; and,

WHEREAS, the Township Committee recognizes that the Township of Wall contains structures that are vacant and/or abandoned in whole or in large part; and,

WHEREAS, in many cases the owners or other responsible parties of these vacant and/or abandoned structures are neglectful of them, and are failing to maintain them or secure them to adequate standards, or restore them to productive use; and,

WHEREAS, many of these structures are in violation of state and local housing and property maintenance codes; and,

WHEREAS, it has been established that vacant and abandoned structures cause severe harm to the health, safety, and general welfare of the community, including diminution of neighboring property values, loss of property tax revenues, accumulations of debris, increased risk of fire, and potential increases in criminal activity and public health risk; and,

WHEREAS, the Township of Wall incurs disproportionate costs in order to deal with the problems of vacant and abandoned structures, including but not limited to, police and fire calls, and property inspections; and,

WHEREAS, the Township Committee determined it is in the public interest for the Township of Wall to establish minimum standards of accountability on the owners or other responsible parties of vacant and abandoned structures in order to protect the health, safety, and general welfare of the residents of the Township of Wall; and,

WHEREAS, the Township Committee determined it is in the public interest for the Township of Wall to impose a fee in conjunction with a registration ordinance for vacant and abandoned structures in light of the disproportionate costs imposed on the Township by the presence of these structures.

NOW, BE IT ORDAINED by the Township Committee of the Township of Wall, in the County of Monmouth, in the State of New Jersey, as follows:

CHAPTER 224 – VACANT PROPERTY REGISTRATION

§ 224-1 Findings.

Pursuant to P.L. 2021 c.444 all municipalities are required to revise and/or establish a Vacant/Abandoned Property Ordinances and Fee Schedules. Further, the Township Committee determined that it is in the public interest for the Township of Wall to establish minimum standards of accountability, including an applicable fee schedule, on the owners or other responsible parties of vacant and abandoned structures in order to protect the health, safety, and general welfare of the residents of the Township of Wall.

§ 224-2 Definitions

As used in this article, the following terms have the meanings set forth:

OWNER

The title holder; any agent of the title holder having authority to act with respect to a vacant property; any foreclosing entity subject to the provisions of N.J.S.A. 46:10B-51, and any amendments or supplements thereto; or any other entity determined by the Township of Wall to have authority with respect to the property.

VACANT PROPERTY

Any building or structure to be used as a residence or commercial or industrial facility which is not legally occupied or at which substantially all lawful construction operations or residential occupancy has ceased, and which is in such condition that it cannot be legally reoccupied without repair or rehabilitation, including but not limited to any property that constitutes abandoned property pursuant to N.J.S.A. 55:19-80 et seq.; provided, however, that any property where all building systems are in working order, where the building and grounds are maintained in good order, or where the building is in habitable condition, and where the building is being actively marketed by its owner for sale or rental, shall not be deemed a vacant property.

§ 224-3 Registration Requirements.

- A. The owner of any vacant property, or his or her authorized agent, shall file a registration statement for that property with the Division of Code Enforcement on forms promulgated by the Division of this purpose.
- B. The registration statement must be filed no later than 30 days after the property becomes vacant, or the assumption of ownership of vacant property, whichever is later; or no later than 10 days after receiving written notice from the Township. Failure to receive notice from the Township does not constitute grounds for failure to register.
- C. Each vacant property having a separate block and lot number as designated in official records of the Township must be separately registered.
- D. The registration statement must include the following information:
 - (1) Name, street address, telephone number, and e-mail address (if applicable) of a person 21 years of age or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement action.
 - (2) Name, street address, telephone number, and e-mail address (if applicable) of the entity, and the names of the individual principals thereof, if any, responsible for managing and maintaining the property.
- E. The registration is effective for the calendar year in which issued and must be renewed annually on or before January 31.
- F. The owner, or his or her authorized agent, must file an amended registration statement on forms provided for this purpose no later than 30 days following any change of information.
- G. The owner or authorized agent must certify to the truth of all information provided on the registration statement. False or misleading information on the registration statement constitutes a violation of this article.

§ 224-4 Access to Vacant Properties.

The owner, or authorized agent thereof, of vacant property registered under this article must provide the Township with access thereto for the purpose of conducting interior and exterior inspections to determine compliance with all applicable laws, regulations, codes, and ordinances. The Township shall provide the owner or authorized agent with reasonable notice of such inspections, which will be carried out during regular business hours, or at such other times as circumstances warrant or as agreed to by the parties.

§ 224-5 Responsible Owner or Agent.

- A. The owner must appoint an authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement action. The owner may serve in this capacity, or may designate a third party to do so.
- B. By designating an authorized agent as provided hereunder, the owner consents to receive, by service of process on the authorized agent, any and all notices of code violations, and service of process in any court proceeding or administrative enforcement action, concerning the registered vacant property.
- C. The authorized agent designated pursuant to this subsection and identified on the registration statement pursuant to § 224-3D(1) & (2) is hereby deemed to continue in that capacity until the filing of an amended registration statement designating a replacement.
- D. Owners who fail to register vacant properties pursuant to this article are hereby deemed to have consented to receive any and all notices of code violations and process in any court proceeding or administrative enforcement actions served in the following manner: 1) by plain-view posting on the structure; and 2) by service of notice, via regular and certified mail, at the owners' last known address on record with the Township.
- E. Out-of-state creditors must include the full name and contact information of the in-state representative or agent, and any other person or entity retained by the creditor or representative of the creditor in the notice provided pursuant to N.J.S.A. 46:10B-51.
- F. Any creditor serving a summons and complaint in an action to foreclose on a mortgage on commercial property within the Township shall, within 10-days of serving the summons and complaint, notify the Township Clerk and the Code Enforcement Officer that at a summons and complaint in an action to foreclose on a mortgage has been filed against the subject property.

§ 224-6 Fee Schedule.

- A. Registration of vacant properties under this section is subject to the following fees:
 - 1. Initial registration: \$1,000.
 - 2. First renewal: \$2,000.
 - 3. Second renewal: \$3,000.
 - 4. Third and subsequent renewals: \$5,000
- B. At least twenty (20%) percent of all income resulting from the application of this chapter shall be used for the sole purpose of carrying out municipal activities with respect to vacant and distressed properties, including but not limited to code enforcement, abatement of nuisance conditions, stabilization, rehabilitation, and other activities designed to minimize blight and further productive reuse of properties.

§ 224-7 Standards for Maintenance.

The owner, or authorized agent thereof, and any person or entity maintaining, operating, or collecting rent for any structure that has become vacant as defined in this article, must, within thirty (30) days thereof, undertake all of the following measures:

- A. Enclose and secure the structure as provided by the applicable sections of the Township of Wall Property Maintenance Code, Chapter 171, et seq., of the Township of Wall or as set forth in rules and regulations adopted by the municipal officer to implement those codes.
- B. Ensure that the grounds of the structure, including yards, fences, sidewalks, walks, and driveways, are well-maintained and kept free from trash or debris.
- C. Post a sign affixed to the structure with the name, address, and telephone number of the owner and the owner's authorized agent for the purpose of service of process; and the name, address, and telephone number of the entity responsible for maintenance of the property, which may be the same as the owner or authorized agent. If the structure is set back from the street, the sign may be posted on a well-secured post or stake in the front yard of the property. The sign shall be at least eighteen (18) inches by twenty-four (24) inches in dimension, shall include the following language: "To report a problem

with this building, call (contact information for owner or agent)" and shall be placed in a location where it is clearly visible and legible from the nearest public street or sidewalk, whichever is nearer; and

- D. Maintain the structure in a secure and closed condition, keep the grounds in a clean and well-maintained condition, and ensure that the sign is visible and intact until the building is again occupied or demolished, or until repair or rehabilitation of the building is complete.
- E. Fines and penalties imposed under this article for failing to properly register are recoverable from the owner and, if not paid, will be enforced and recorded as a judgment against the property. To the extent the Township must perform work to maintain and secure a registered property, such costs shall be imposed as a lien against the property.

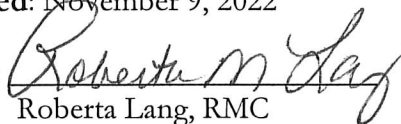
§ 224-8 Enforcement.

- A. The Division of Code Enforcement is hereby charged with the enforcement of this article, with the assistance, as circumstances warrant, of other Township agencies within their respective jurisdictions.
- B. Any person or entity violating this article shall be subject to the maximum fines and penalties established under N.J.S.A. 40:49-5 and N.J.S.A. 40:69A-29, and any subsequent amendments to those statutes, or as otherwise prescribed by law.
- C. Each day that a violation continues constitutes a separate and distinct offense.
- D. Fines and penalties imposed under this article are recoverable from the owner and, if not paid, may be imposed as a lien against the property.
- E. No less than 20% of any money collected by the Township pursuant to this article shall be earmarked for code enforcement purposes.
- F. For purposes of this section, failure to file a registration statement within thirty (30) calendar days after a building becomes vacant property or within thirty (30) calendar days after assuming ownership of a vacant property, whichever is later, or within ten (10) calendar days of receipt of notice by the municipality, and failure to provide correct information on the registration statement, or failure to comply with the provisions of such provisions contained herein shall be deemed to be violations of this section.


Introduced: October 12, 2022

Adopted: November 9, 2022

Attest:


Roberta Lang, RMC
Township Clerk

Approve:


Kevin Orender
Mayor

**SUMMARY AND NOTICE
TOWNSHIP OF WALL
ORDINANCE NO. 22-2022**

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
WALL, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY,
ESTABLISHING CHAPTER 224, A VACANT PROPERTY AND/OR
FORECLOSURE REGISTRATION ORDINANCE PURSUANT TO P.L. 2021 C.444**

Adoption of this ordinance will establish Chapter 224 for vacant property and/or a foreclosure registration ordinance, pursuant to P.L. 2021 C. 444

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading by the Township Committee of the Township of Wall on **October 12, 2022** and will further be considered for final passage and adoption at the Wall Township Municipal Building, 2700 Allaire Road, Wall, New Jersey, on **November 9, 2022** at 7:00 p.m., or as soon thereafter as the matter can be reached on the agenda, at which time and place all persons interested therein shall be given an opportunity to be heard, and during the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's Office in the Township of Wall, Town Hall, to the members of the general public who shall request the same or may be viewed on our website at www.wallnj.com.

**Roberta M. Lang, RMC
Municipal Clerk**